THE

CONDITION

OF THE

FREE PEOPLE OF COLOUR

IN THE

UNITED STATES OF AMERICA.

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&c., &c.

It appears from the census of 1830, that there were then 319,467 free coloured persons in the United States. At the present time the number cannot be less than 360,000. Fifteen states of the Federal Union have each a smaller population than this aggregate. Hence if the whole mass of human beings inhabiting Connecticut, or New Jersey, or any other of these fifteen states, were subjected to the ignorance, and degradation, and persecution, and terror we are about to describe, as the lot of this much injured people, the amount of suffering would still be numerically less than that inflicted by a professedly Christian and republican community upon the free negroes. Candor, however, compels us to admit that, deplorable as is their condition, it is still not so wretched as Colonizationists and slaveholders, for obvious reasons, are fond of representing it. It is not true that free negroes are "more vicious and miserable than slaves *can* be,"* nor that "it would be as humane to throw slaves from the decks of the middle passage, as to set them free in this country,"† nor that "a sudden and universal emancipation without colonization, would be a greater curse to the slaves themselves, than the bondage in which they are held."

* Rev. Mr. Bacon, of New Haven, 7 Rep. Am. Col. Soc. p. 99.

† African Repository, vol. iv. p. 226.

It is a little singular, that in utter despite of these rash assertions slaveholders and colonizationists unite in assuring us, that the slaves are rendered *discontented* by *witnessing* the freedom of their coloured brethren; and hence we are urged to assist in banishing to Africa these sable and dangerous mementoes of liberty.

We all know that the wife and children of the free negro are not ordinarily sold in the market—that he himself does not toil under the lash, and that in certain parts of our country he is permitted to acquire some intelligence, and to enjoy some comforts, utterly and universally denied to the slave. Still it is most unquestionable, that these people grievously suffer from a cruel and wicked prejudice—cruel in its consequences; wicked in its voluntary adoption, and its malignant character.

Colonizationists have taken great pains to inculcate the opinion that prejudice against colour is implanted in our nature by the Author of our being; and whence they infer the futility of every effort to elevate the coloured man in this country, and consequently the duty and benevolence of sending him to Africa, beyond the reach of our cruelty.* The theory is as false in fact as it is derogatory to the character of that God whom we are told is LOVE. With what astonishment and disgust should we behold an earthly parent exciting feuds and animosities among his own children; yet we are assured, and that too by professing Christians, that our heavenly Father has implanted a principle of hatred, repulsion, and alienation between certain portions of his family on earth, and then commanded them, as if in mockery, to "love one another."

* "Prejudices, which neither refinement, nor argument, nor education, NOR RELIGION ITSELF can subdue, mark the people of colour, whether bond or free, as the subjects of a degradation *inevitable and incurable*."—*Address of the Connecticut Col. Society.* "The managers consider it clear that causes exist, and are now operating, to prevent their improvement and elevation to any considerable extent as a class in this country, which are fixed, not only beyond the control of the friends of humanity, but of *any human power*: CHRISTIANITY cannot do for them here what it will do for them in Africa. This is not the *fault* of the coloured man, *nor of the white man*, but an ORDINATION OF PROVIDENCE, *and no more to be changed than the laws of nature*." 15th Report of the American Colonization Society, page 47.

"The people of colour must, in this country, remain for ages, probably for ever, a separate and distinct caste, weighed down by causes powerful, universal, invincible, which neither legislation nor CHRISTIANITY can remove."—African Repository, vol. viii. p. 196.

"Do they (the abolitionists) not perceive that in thus confounding all the distinctions which GOD himself has made, they arraign the wisdom and goodness of Providence itself? It has been HIS divine pleasure, to make the black man black, and the white man white, and to distinguish them by other *repulsive* constitutional differences." Speech in the Senate of the United States, February 7th, 1839, by HENRY CLAY, PRESIDENT OF THE AM. COL. SOC.

In vain do we seek in nature, for the origin of this prejudice. Young children never betray it, and on the continent of Europe it is unknown. We are not speaking of matters of taste, or of opinions of personal beauty, but of a prejudice against complexion, leading to insult, degradation and oppression. In no country in Europe is any man excluded from refined society, or deprived of literary, religious, or political privileges on account of the tincture of his skin. If this prejudice is the fiat of the Almighty, most wonderful is it, that of all the kindreds of the earth, none have been found submissive to the heavenly impulse, excepting the white inhabitants of North America; and of these, it is no less strange than true, that this divine principle of repulsion is most energetic in such persons as, in other respects, are the least observant of their Maker's will. This prejudice is sometimes erroneously regarded as the *cause* of slavery; and some zealous advocates of emancipation have flattered themselves that, could the prejudice be destroyed, negro slavery would fall with it. Such persons have very inadequate ideas of the malignity of slavery. They forget that the slaves in Greece and Rome were of the same hue as their masters; and that at the South, the value of a slave, especially of a female, rises, as the complexion recedes from the African standard.

Were we to inquire into the geography of this prejudice, we should find that the localities in which it attains its rankest luxuriance, are not the rice swamps of Georgia, nor the sugar fields of Louisiana, but the hills and vallies of New England, and the prairies of Ohio! It is a fact of acknowledged notoriety, that however severe may be the laws against coloured people at the south, the prejudice against their *persons* is far weaker than among ourselves.

It is not necessary for our present purpose, to enter into a particular investigation of the condition of the free negroes in the slave states. We all know that they suffer every form of oppression which the laws can inflict upon persons not actually slaves. That unjust and cruel enactments should proceed from a people who keep two millions of their fellow men in abject bondage, and who believe such enactments essential to the maintenance of their despotism, certainly affords no cause for surprise.

We turn to the free states, where slavery has not directly steeled our hearts against human suffering, and where no supposed danger of insurrection affords a pretext for keeping the free blacks in ignorance and degradation; and we ask, what is the character of the prejudice against colour *here*? Let the Rev. Mr. Bacon, of Connecticut, answer the question. This gentleman, in a vindication of the Colonization

Society, assures us, "The *Soodra* is not further separated from the *Bramin* in regard to all his privileges, civil, intellectual, and moral, than the negro from the white man by the prejudices which result from the difference made between them by THE GOD OF NATURE."—(*Rep. Am. Col. Soc.* p. 87.)

We may here notice the very opposite effect produced on Abolitionists and Colonizationists, by the consideration that this difference *is* made by the GOD OF NATURE; leading the one to discard the prejudice, and the other to banish its victims.

With these preliminary remarks we will now proceed to take a view of the condition of the free people of colour in the non-slaveholding states; and will consider in order, the various disabilities and oppressions to which they are subjected, either by law or the customs of society.

I. GENERAL EXCLUSION FROM THE ELECTIVE FRANCHISE.

Were this exclusion founded on the want of property, or any other qualification deemed essential to the judicious exercise of the franchise, it would afford no just cause of complaint; but it is founded solely on the colour of the skin, and is therefore irrational and unjust. That taxation and representation should be inseparable, was one of the axioms of the fathers of our revolution; and one of the reasons they assigned for their revolt from the crown of Britain. But *now*, it is deemed a mark of fanaticism to complain of the disfranchisement of a whole race, while they remain subject to the burden of taxation. It is worthy of remark, that of the thirteen original states, only *two* were so recreant to the principles of the revolution, as to make a *white skin* a qualification for suffrage. But the prejudice has grown with our growth, and strengthened with our strength; and it is believed that in *every* state constitution subsequently formed or revised, [excepting Vermont and Maine, and the Revised constitution of Massachusetts,] the crime of a dark complexion has been punished, by debarring its possessor from all approach to the ballot-box.* The necessary effect of this proscription in aggravating the oppression and degradation of the coloured inhabitants must be obvious to all who call to mind the solicitude manifested

* From this remark the revised constitution of New York is *nominally* an exception; coloured citizens, possessing a *freehold* worth two hundred and fifty dollars, being allowed to vote; while suffrage is extended to *white* citizens without any property qualification.

by demagogues, office-seekers, and law makers, to propitiate the good will of all who have votes to bestow.

2. DENIAL OF THE RIGHT OF LOCOMOTION.

It is in vain that the Constitution of the United States expressly guarantees to "the citizens of each state, all the privileges and immunities of citizens in the several states:"—It is in vain that the Supreme Court of the United States has solemnly decided that this clause confers on every citizen of one state the right to "pass through, or reside in any other state for the purposes of trade, agriculture, professional pursuits, or *otherwise*." It is in vain that "the members of the several state legislatures" are required to "be bound by oath or affirmation to support" the constitution conferring this very guarantee. Constitutions, and judicial decisions, and religious obligations are alike outraged by our state enactments against people of colour. There is scarcely a slave state in which a citizen of New York, with a dark skin, may visit a dying child without subjecting himself to legal penalties. But in the slave states we look for cruelty; we expect the rights of humanity and the laws of the land to be sacrificed on the altar of slavery. In the free states we had reason to hope for a greater deference to decency and morality. Yet even in these states we behold the effects of a miasma wafted from the south. The Connecticut Black Act, prohibiting, under heavy penalties, the instruction of any coloured person from another state, is well known. It is one of the encouraging signs of the times, that public opinion has recently compelled the repeal of this detestable law. But among all the free states, Ohio stands pre-eminent for the wickedness of her statutes against this class of our population. These statutes are not merely infamous outrages on every principle of justice and humanity, but are gross and palpable violations of the state constitution, and manifest an absence of moral sentiment in the Ohio legislature as deplorable as it is alarming. We speak the language, not of passion, but of sober conviction; and for the truth of this language we appeal, first, to the statutes themselves, and then to the consciences of our readers. We shall have occasion to notice these laws under the several divisions of our subject to which they belong; at present we ask attention to the one intended to prevent the coloured citizens of other states from removing into Ohio. By the constitution of New York, the coloured inhabitants are expressly recognized as "citizens." Let us suppose that a New York freeholder and voter of this class, confiding in the guarantee given by the Federal constitution removes into Ohio. No matter how much

property he takes with him; no matter what attestations he produces to the purity of his character, he is required, by the act of 1807, to find, within twenty days, two freehold sureties in the sum of five hundred dollars for his *good behaviour*; and likewise for his *maintenance*, should he at any future period from any cause whatever be unable to maintain himself, and in default of procuring such sureties he is to be removed by the overseers of the poor. The legislature well knew that it would generally be utterly impossible for a stranger, and especially a *black* stranger, to find such sureties. It was the *design* of the act, by imposing impracticable conditions, to prevent coloured emigrants from remaining within the state; and in order more certainly to effect this object, it imposes a pecuniary penalty on every inhabitant who shall venture to "harbour," that is, receive under his roof, or who shall even "employ" an emigrant who has not given the required sureties; and it moreover renders such inhabitant so harbouring or employing him, legally liable for his future maintenance!!

We are frequently told that the efforts of the abolitionists have in fact aggravated the condition of the coloured people, bond and free. The *date* of this law, as well as the date of most of the laws composing the several slave codes, show what credit is to be given to the assertion. If a barbarous enactment is *recent*, its odium is thrown upon the friends of the blacks—if *ancient*, we are assured it is *obsolete*. The Ohio law was enacted only four years after the state was admitted into the Union. In 1800 there were only three hundred and thirty-seven free blacks in the territory, and in 1830 the number in the state was nine thousand five hundred. Of course a very large proportion of the present coloured population of the state must have entered it in ignorance of this iniquitous law, or in defiance of it. That the law has not been universally enforced, proves only that the people of Ohio are less profligate than their legislators—that it has remained in the statute book for thirty-two years, proves the depraved state of public opinion and the horrible persecution to which the coloured people are legally exposed. But let it not be supposed that this vile law is in fact obsolete, and its very existence forgotten.

In 1829, a very general effort was made to enforce this law, and about *one thousand free blacks* were in consequence of it driven out of the state; and sought a refuge in the more free and Christian country of Canada: Previous to their departure, they sent a deputation to the Governor of the Upper Province, to know if they would be admitted, and received from Sir James Colebrook this reply,—"Tell the *republicans* on your side of the line, that we royalists do not know men by their colour. Should you come to us, you will be entitled to all the privileges of the rest of his

majesty's subjects." This was the origin of the Wilberforce colony in Upper Canada.

We have now before us an Ohio paper, containing a proclamation by John S. Wiles, overseer of the poor in the town of Fairfield, dated 12th March, 1838. In this instrument, notice is given to all "black or mulatto persons" residing in Fairfield, to comply with the requisitions of the act of 1807 within twenty days, or the law would be enforced against them. The proclamation also addresses the white inhabitants of Fairfield in the following terms.—"Whites, look out! If any person or persons *employing* any black or mulatto person, contrary to the 3rd section of the above law, you may look out for the breakers." The extreme vulgarity and malignity of this notice indicates the spirit which gave birth to this detestable law, and continues it in being.

Now what says the constitution of Ohio! "ALL are born free and independent, and have certain natural, inherent, inalienable rights; among which are the enjoying and defending life and liberty, *acquiring, possessing, and protecting property*, and pursuing and attaining happiness and safety." Yet men who had called their maker to witness, that they would obey this very constitution, require impracticable conditions, and then impose a pecuniary penalty and grievous liabilities on every man who shall give to an innocent fellow-countryman a night's lodging, or even a meal of victuals in exchange for his honest labor!

3. DENIAL OF THE RIGHT OF PETITION.

We explicitly disclaim all intention to imply that the several disabilities and cruelties we are specifying are of universal application. The laws of some states in relation to people of colour are more wicked than others; and the spirit of persecution is not in every place equally active and malignant. In none of the free states have these people so many grievances to complain of as in Ohio, and for the honour of our country we rejoice to add, that in no other state in the Union, has their right to petition for a redress of their grievances been denied.

On the 14th January, 1839, a petition for relief from certain legal disabilities, from coloured inhabitants of Ohio, was presented to the *popular* branch of the legislature, and its rejection was moved by George H. Flood.* This rejection was not a denial of the prayer, but an *expulsion of the petition itself*, as an intruder into the house. "The question presented for our decision," said one of the members, "is simply this—Shall human beings, who are bound by every enactment upon our statute book, be *permitted* to *request* the legislature to modify or soften the laws

* It is sometimes interesting to preserve the names of individuals who have perpetrated bold and unusual enormities.

under which they live?" To the Grand Sultan, crowded with petitions as he traverses the streets of Constantinople, such a question would seem most strange; but American democrats can exert a tyranny over *men who have no votes*, utterly unknown to Turkish despotism. Mr. Flood's motion was lost by a majority of only *four* votes; but this triumph of humanity and republicanism was as transient as it was meagre. The *next* day, the house, by a large majority, resolved "That the blacks and mulattoes who may be residents within this state, have no constitutional right to present their petitions to the General Assembly for any purpose whatsoever, and that any reception of such petitions on the part of the General Assembly is a mere act of privilege or policy, and not imposed by any expressed or implied power of the constitution."

The phraseology of this resolution is as clumsy as its assertions are base and sophistical. The meaning intended to be expressed is simply that the constitution of Ohio, neither in terms nor by implication, confers on such residents as are negroes or mulattoes, any right to offer a petition to the legislature for any object whatever; nor imposes on that body any obligation to notice such a petition; and whatever attention it may please to bestow upon it, ought to be regarded as an act not of duty, but merely of favour or expediency. Hence it is obvious, that the *principle* on which the resolution is founded is, that the reciprocal right and duty of offering and hearing petitions *rests solely on constitutional enactment*, and not on moral obligation. The *reception* of negro petitions is declared to be a mere act of *privilege or policy*. Now it is difficult to imagine a principle more utterly subversive of all the duties of rulers, the rights of citizens, and the charities of private life. The victim of oppression or fraud has no *right* to appeal to the constituted authorities for redress; nor are those authorities under any obligation to consider the appeal—the needy and unfortunate have no right to implore the assistance of their more fortunate neighbours: and all are at liberty to turn a deaf ear to the cry of distress. The eternal and immutable principles of justice and humanity, proclaimed by Jehovah, and impressed by him on the conscience of man, have no binding force on the legislature of Ohio, unless expressly adopted and enforced by the state constitution!

But as the legislature has thought proper thus to set at defiance the moral sense of mankind, and to take refuge behind the enactments of the constitution, let us try the strength of their entrenchments. The words of the constitution, which it is pretended sanction the resolution we are considering, are the following, viz.—"The *people* have a right to assemble together in a peaceable manner to consult for their common good, to *instruct their representatives*, and to apply to the legislature for a redress of grievances." It is obvious that this clause confers no rights, but is

merely declaratory of existing rights. Still, as the right of the people to apply for a redress of grievances is coupled with the right of *instructing their representatives*, and as negroes are not electors, and consequently are without representatives, it is inferred that they are not part of *the people*. That Ohio legislators are not Christians would be a more rational conclusion. One of the members avowed his opinion that "none but voters had a right to petition." If then, according to the principle of the resolution, the constitution of Ohio denies the right of petition to all but electors, let us consider the practical results of such a denial. In the first place, every female in the state is placed under the same disability with "blacks and mulattoes." No wife has a right to ask for a divorce—no daughter may plead for a father's life. Next, no man under twenty-one years---no citizen of any age, who from want of sufficient residence, or other qualification, is not entitled to vote---no individual among the tens of thousands of aliens in the state—however oppressed and wronged by official tyranny or corruption, has a right to seek redress from the representatives of the people, and should he presume to do so, may be told, that, like "blacks and mulattoes," he "has no constitutional right to present his petition to the General Assembly for any purpose whatever." Again—the state of Ohio is deeply indebted to the citizens of other states, and also to the subjects of Great Britain for money borrowed to construct her canals. Should any of these creditors lose their certificates of debt, and ask for their renewal; or should their interest be withheld, or paid in depreciated currency, and were they to ask for justice at the hands of the legislature, they might be told, that any attention paid to their request must be regarded as a "mere act of privilege or policy, and not imposed by any expressed or implied power of the constitution," for, not being voters, they stood on the same ground as "blacks and mulattoes." Such is the folly and wickedness in which prejudice against colour has involved the legislators of a republican and professedly Christian state in the nineteenth century.

4. EXCLUSION FROM THE ARMY AND MILITIA.

The Federal Government is probably the only one in the world that forbids a portion of its subjects to participate in the national defence, not from any doubt of their courage, loyalty, or physical strength, but merely on account of the tincture of their skin! To such an absurd extent is this prejudice against colour carried, that some of our militia companies have occasionally refused to march to the sound of a drum when beaten by a black man. To declare a certain class of the community unworthy to bear arms in defence of their native country, is necessarily to consign that class to general contempt.

5. EXCLUSION FROM ALL PARTICIPATION IN THE ADMINISTRATION OF JUSTICE.

No coloured man can be a judge, juror, or constable. Were the talents and acquirements of a Mansfield or a Marshall veiled in a sable skin, they would be excluded from the bench of the humblest court in the American republic. In the slave states generally, no black man can enter a court of justice as a witness against a white one. Of course a white man may, with perfect impunity, defraud or abuse a negro to any extent, provided he is careful to avoid the presence of any of his own caste, at the execution of his contract, or the indulgence of his malice. We are not aware that an outrage so flagrant is sanctioned by the laws of any *free* state, with one exception. That exception the reader will readily believe can be none other than OHIO. A statute of this state enacts, "that no black or mulatto *person* or *persons* shall hereafter be permitted to be sworn, or give evidence in any court of record or elsewhere, in this state, in any cause depending, or matter of controversy, when either party to the same is a WHITE person; or in any prosecution of the state against any WHITE person."

We have seen that on the subject of petition the legislature regards itself as independent of all obligation except such as is imposed by the constitution. How mindful they are of the requirements even of that instrument, when obedience to them would check the indulgence of their malignity to the blacks, appears from the 7th section of the 8th Article, viz.—"All courts shall be open, and every *person*, for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay."

Ohio legislators may deny that negroes and mulattoes are citizens, or people; but they are prevented by the very words of the statute just quoted, from denying that they are "*persons*." Now, by the constitution, every *person*, black as well as white, is to have justice administered to him without denial or delay. But by the law, while any unknown *white* vagrant may be a witness in any case whatever, no black suitor is permitted to offer a witness of his own colour, however well established may be his character for intelligence and veracity, to prove his rights or his wrongs; and hence, in a multitude of cases, justice is denied in despite of the constitution; and why denied? Solely from a foolish and wicked prejudice against colour.

6. IMPEDIMENTS TO EDUCATION.

No people have ever professed so deep a conviction of the importance of popular education as ourselves, and no people have ever resorted to

such cruel expedients to perpetuate abject ignorance. More than one-third of the whole population of the slave states are prohibited from learning even to read, and in some of them free men, if with dark complexions, are subject to stripes for teaching their own children. If we turn to the free states, we find that in all of them, without exception, the prejudices and customs of society oppose almost insuperable obstacles to the acquisition of a liberal education by coloured youth. Our academies and colleges are barred against them. We know there are instances of young men with dark skins having been received, under peculiar circumstances, into northern colleges; but we neither know nor believe, that there have been a dozen such instances within the last thirty years.

Coloured children are very generally excluded from our common schools, in consequence of the prejudices of teachers and parents. In some of our cities there are schools *exclusively* for their use, but in the country the coloured population is usually too scanty to justify such schools; and white and black children are rarely seen studying under the same roof; although such cases do sometimes occur, and then they are confined to elementary schools. Some coloured young men, who could bear the expense, have obtained in European seminaries the education denied them in their native land.

It may not be useless to cite an instance of the malignity with which the education of the blacks is opposed. The efforts made in Connecticut to prevent the establishment of schools of a higher order than usual for coloured pupils, are too well known to need a recital here; and her BLACK ACT, prohibiting the instruction of coloured children from other states, although now expunged from her statute book through the influence of abolitionists, will long be remembered to the opprobrium of her citizens. We ask attention to the following illustration of public opinion in another New England state.

In 1834 an academy was built by subscription in CANAAN, New Hampshire, and a charter granted by the legislature; and at a meeting of the proprietors it was determined to receive all applicants having "suitable moral and intellectual recommendations, without other distinctions;" in other words, without reference to *complexion*. When this determination was made known, a TOWN MEETING was forthwith convened, and the following resolutions adopted;

"RESOLVED—That we view with *abhorrence* the attempt of the abolitionists to establish in this town a school for the instruction of the sable sons and daughters of Africa, in common with our sons and daughters.

"RESOLVED—That we will not associate with, nor in any way countenance, any man or woman who shall hereafter persist in attempting to

establish a school in this town for the *exclusive* education of blacks, *or* for their education in conjunction with the whites."

The frankness of this last resolve is commendable. The inhabitants of Canaan, assembled in a legal town meeting, determined, it seems, that the blacks among them should in future have no education whatever—they should not be instructed in company with the whites, neither should they have schools exclusively for themselves.

The proprietors of the academy supposing, in the simplicity of their hearts, that in a free country they might use their property in any manner not forbidden by law, proceeded to open their school, and in the ensuing spring had twenty-eight white, and fourteen coloured scholars. The crisis had now arrived when the cause of prejudice demanded the sacrifice of constitutional liberty and of private property. Another town meeting was convened, at which, without a shadow of authority, and in utter contempt of law and decency, it was ordered, that the academy should be forcibly removed, and a committee was appointed to execute the abominable mandate. Due preparations were made for the occasion, and on the 10th of August, three hundred men, with about 200 oxen, assembled at the place, and taking the edifice from off its foundation, dragged it to a distance, and left it a ruin. No one of the actors in this high-handed outrage was ever brought before a court of justice to answer for this criminal and riotous destruction of the property of others.

The transaction we have narrated, expresses in emphatic terms the deep and settled hostility felt in the free states to the education of the blacks. The prejudices of the community render that hostility generally effective without the aid of legal enactments. Indeed, some remaining regard to decency and the opinion of the world, has restrained the legislatures of the free states, with *one exception*, from consigning these unhappy people to ignorance by "decreeing unrighteous decrees," and "framing mischief by a law." Our readers, no doubt, feel that the exception must of course be OHIO.

We have seen with what deference Ohio legislators profess to regard their *constitutional* obligations; and we are now to contemplate another instance of their shameless violation of them. The constitution which these men have sworn to obey declares, "NO LAWS SHALL BE PASSED to prevent the poor of the several townships and counties in this state from an *equal* participation in the schools, academies, colleges, and universities in this state, which are endowed in whole, or *in part*, from the revenue arising from *donations* made by the United States, for the support of *colleges and schools*—and the door of said schools, academies, and universities shall be open for the reception of scholars, students, and teachers of every *grade*, without ANY DISTINCTION OR PREFERENCE WHATEVER."

Can language be more explicit or unequivocal? But have any donations been made by the United States for the support of colleges and schools in Ohio? Yes—by an Act of Congress, the sixteenth section of land in *each* originally surveyed townships in the state, was set apart as a donation for the express purpose of endowing and supporting common schools. And now, how have the scrupulous legislators of Ohio, who refuse to acknowledge any other than constitutional obligations to give ear to the cry of distress—how have they obeyed this injunction of the constitution respecting the freedom of their schools? They enacted a law in 1831, declaring that, "when any appropriation shall be made by the directors of any school district, from the treasury thereof, for the payment of a teacher, the school in such district shall be open"—to whom? "*to scholars, students, and teachers of every grade, without distinction or preference whatever*," as commanded by the constitution? Oh, no! "Shall be open to all the WHITE children residing therein!!" Such is the impotency of written constitutions, where a sense of moral obligation is wanting to enforce them.

We have now taken a review of the Ohio laws against free people of colour. Some of them are of old, and others of recent date. The opinion entertained of all these laws, new and old, by the *present* legislators of Ohio, may be learned by a resolution adopted in January last (1839), by both houses of the legislature. "Resolved,—That in the opinion of this general assembly it is unwise, impolitic, and inexpedient to repeal *any* law now in force imposing disabilities upon black or mulatto persons, thus placing them upon an equality with the whites, so far as this legislature can do, and indirectly inviting the black population of other states to emigrate to this, to the manifest injury of the public interest." The best comment on the *spirit* which dictated this resolve is an enactment by the *same* legislature, abrogating the supreme law which requires us to "Do unto others as we would they should do unto us," and prohibiting every citizen of Ohio from *harbouring or concealing* a fugitive slave, under the penalty of fine or imprisonment. General obedience to this vile statute is alone wanting to fill to the brim the cup of Ohio's iniquity and degradation. She hath done what she could to oppress and crush the free negroes within her borders. She is now seeking to re-chain the slave who has escaped from his fetters.

7. IMPEDIMENTS TO RELIGIOUS INSTRUCTION.

It is unnecessary to dwell here on the laws of the slave states prohibiting the free people of colour from learning to read the bible, and in many instances, from assembling at discretion to worship their Creator. These laws, we are assured, are indispensable to the perpetuity of that "pecu-

lar institution," which many masters in Israel are now teaching, enjoys the sanction of HIM who "will have all men to be saved, and to come to the knowledge of the truth," and who has left to his disciples the injunction, "search the scriptures." We turn to the free states, in which no institution requires that the light of the glorious gospel of Christ should be prevented from shining on any portion of the population, and inquire how far prejudice here supplies the place of southern statutes.

The impediments to education already mentioned, necessarily render the acquisition of religious knowledge difficult, and in many instances impracticable. In the northern cities, the blacks have frequently churches of their own, but in the country they are too few, and too poor to build churches and maintain ministers. Of course they must remain destitute of public worship and religious instruction, unless they can enjoy these blessings in company with the whites. Now there is hardly a church in the United States, not exclusively appropriated to the blacks, in which one of their number owns a pew, or has a voice in the choice of a minister. There are usually, indeed, a few seats in a remote part of the church, set apart for their use, and in which no white person is ever seen. It is surely not surprising, under all the circumstances of the case, that these seats are rarely crowded.

Coloured ministers are occasionally ordained in the different denominations, but they are kept at a distance by their white brethren in the ministry, and are very rarely permitted to enter their pulpits; and still more rarely, to sit at their tables, although acknowledged to be ambassadors of Christ. The distinction of *caste* is not forgotten, even in the celebration of the Lord's Supper, and seldom are coloured disciples permitted to eat and drink of the memorials of the Redeemer's passion till after every white communicant has been served.

3. IMPEDIMENTS TO HONEST INDUSTRY.

In this country ignorance and poverty are almost inseparable companions; and it is surely not strange that those should be poor whom we compel to be ignorant. The liberal professions are virtually sealed against the blacks, if we except the church, and even in that, admission is rendered difficult by the obstacles placed in their way in acquiring the requisite literary qualifications;* and when once admitted, their admi-

* Of the truth of this remark, the trustees of the Episcopal Theological Seminary at New York, lately (June, 1839) afforded a striking illustration. A young man, regularly acknowledged by the bishop as a candidate for orders, and in consequence of such acknowledgement entitled, by an *express statute* of the seminary, to admission to its privileges, presented himself as a pupil. But God had given him a dark complexion, and *therefore* the trustees, regardless of the statute, barred the doors against him, by a formal and deli-

nistrations are confined to their own colour. Many of our most wealthy and influential citizens have commenced life as ignorant and as penny-less as any negro who loiters in our streets. Had their complexion been dark, notwithstanding their talents, industry, enterprise, and probity, they would have continued ignorant and pennyless, because the paths to learning and to wealth, would then have been closed against them. There is a conspiracy, embracing all the departments of society, to keep the black man ignorant and poor. As a general rule, admitting few if any exceptions, the schools of literature and of science reject him—the counting-house refuses to receive him as a book-keeper, much more as a partner—no store admits him as a clerk---no shop as an apprentice. Here and there a black man may be found keeping a few trifles on a shelf for sale; and a few acquire, as if by stealth, the knowledge of some handicraft; but almost universally these people, both in town and country, are prevented by the customs of society from maintaining themselves and their families by any other than menial occupations.

In 1836, a black man of irreproachable character, and who by his industry and frugality had accumulated several thousand dollars, made application in the city of New York for a carman's license, and was refused solely and avowedly on account of his complexion! We have already seen the effort of the Ohio legislature, to consign the negroes to starvation, by deterring others from employing them. Ignorance, idleness, and vice, are at once the punishments we inflict upon these unfortunate people for their complexion; and the crimes with which we are constantly reproaching them.

9. LIABILITY TO BE SEIZED, AND TREATED AS SLAVES.

An able-bodied coloured man sells in the southern market for, from eight hundred to a thousand dollars; of course he is worth stealing. Colonizationists and slaveholders, and many northern divines, solemnly affirm, that the situation of a slave is far preferable to that of a free negro; hence it would seem an act of humanity to convert the latter into the

berate vote. As a compromise between conscience and prejudice, the professors offered to give him *private* instruction—to do in secret what they were ashamed to do openly—to confer as a favor, what he was entitled to demand as a right. The offer was rejected.

It is worthy of remark, that of the trustees who took an *active* part against the *coloured* candidate, one is the PRESIDENT *of the New York Colonization Society*: another a MANAGER, and a third, one of its public champions; and that the bishop of the diocese, who wished to exclude his candidate from the theological school of which he is both a trustee and a professor, lately headed a recommendation in the newspapers for the purchase of a packet ship for Liberia, as likely to "render far more efficient than heretofore, the enterprize of colonization."

former. Kidnapping being both a lucrative and a benevolent business, it is not strange it should be extensively practised. In many of the states this business is regulated by law, and there are various ways in which the transmutation is legally effected. Thus, in South Carolina, if a free negro "entertains" a runaway slave, it may be his own wife or child, he himself is turned into a slave. In 1827, *a free woman and her three children* underwent this benevolent process, for *entertaining* two fugitive children of six and nine years old. In Virginia all emancipated slaves remaining twelve months in the state, are kindly restored to their former condition. In Maryland a free negro who marries a white woman, thereby acquires all the privileges of a slave—and generally, throughout the slave region, including the district of Columbia, every negro not known to be free, is mercifully considered as a slave, and if his master cannot be ascertained, he is thrown into a dungeon, and there kept, till by a public sale a master can be provided for him. But often the law grants to coloured men, *known to be free*, all the advantages of slavery. Thus, in Georgia, every *free* coloured man coming into the state, and unable to pay a fine of one hundred dollars, becomes a slave for life; in Florida, insolvent debtors, *if black*, are SOLD for the benefit of their creditors; and in the district of Columbia a free coloured man, thrown into jail on suspicion of being a slave and proving his freedom, is required by law to be sold as a slave, if too poor to pay his jail fees. Let it not be supposed that these laws are all obsolete and inoperative. They catch many a northern negro, who, in pursuit of his own business, or on being decoyed by others, ventures to enter the slave region; and who, of course, helps to augment the wealth of our southern brethren. On the 6th of March, 1839, a report by a committee was made to the House of Representatives of the Massachusetts legislature, in which are given the *names* of seventeen free coloured men who had been enslaved at the south. It also states an instance in which twenty-five coloured citizens, belonging to Massachusetts, were confined at one time in a southern jail, and another instance in which seventy-five free coloured persons from different free states were confined, all preparatory to their sale as slaves according to law.

The facts disclosed in this report induced the Massachusetts legislature to pass a resolution protesting against the kidnapping laws of the slave states, "as invading the sacred rights of citizens of this commonwealth, as contrary to the constitution of the United States, and in utter derogation of that great principle of the common law which presumes every person to be innocent until proved to be guilty;" and ordered the protest to be forwarded to the governors of the several states.

But it is not at the south alone that freemen may be converted into

slaves "according to law." The Act of Congress respecting the recovery of fugitive slaves, affords most extraordinary facilities for this process, through official corruption and individual perjury. By this Act, the claimant is permitted to *select* a justice of the peace, before whom he may bring or send his alleged slave, and even to prove his property by *affidavit*. Indeed, in almost every state in the Union, a slaveholder may recover at law a human being as his beast of burden, with far less ceremony than he could his pig from the possession of his neighbour. In only three states is a man, claimed as a slave, entitled to a trial by jury. At the last session of the New York legislature a bill allowing a jury trial in such cases was passed by the lower House, but rejected by a *democratic* vote in the Senate, democracy in that state being avowedly only *skin* deep, all its principles of liberty, equality, and human rights depending on complexion.

Considering the wonderful ease and expedition with which fugitives may be recovered by law, it would be very strange if mistakes did not sometimes occur. *How* often they occur cannot, of course, be known, and it is only when a claim is *defeated*, that we are made sensible of the exceedingly precarious tenure by which a poor friendless negro at the north holds his personal liberty. A few years since, a girl of the name of Mary Gilmore was arrested in Philadelphia, as a fugitive slave from Maryland. Testimony was not wanting in support of the claim; yet it was most conclusively proved that she was the daughter of poor *Irish* parents—having not a drop of negro blood in her veins---that the father had absconded, and that the mother had died a drunkard in the Philadelphia hospital, and that the infant had been kindly received and *brought up in a coloured family*. Hence the attempt to make a slave of her. In the spring of 1839, a coloured man was arrested in Philadelphia, on a charge of having absconded from his owner *twenty-three* years before. This man had a wife and family depending upon him, and a home where he enjoyed their society; and yet, unless he could find witnesses who could prove his freedom for more than this number of years, he was to be torn from his wife, his children, his home, and doomed for the remainder of his days to toil under the lash. *Four* witnesses for the claimant swore to his identity, although they had not seen him before for twenty-three years! By a most extraordinary coincidence, a New England captain, with whom this negro had sailed *twenty-nine* years before, in a sloop from Nantucket, happened at this very time to be confined for debt in the same prison with the alleged slave, and the captain's testimony, together with that of some other witnesses, who had known the man previous to his pretended elopement, so fully established his freedom, that the court discharged him.

Another mode of legal kidnapping still remains to be described. By the Federal Constitution, fugitives from *justice* are to be delivered up, and under this constitutional provision, a free negro may be converted into a slave without troubling even a Justice of the Peace to hear the evidence of the captor's claim. A fugitive slave is, of course, a felon—he not only steals himself, but also the rags on his back which belong to his master. It is understood he has taken refuge in New York and his master naturally wishes to recover him with as little noise, trouble, and delay as possible. The way is simple and easy. Let the grand jury indict A. B. for stealing wearing apparel, and let the indictment, with an affidavit of the criminal's flight, be forwarded by the governor of the state to his excellency of New York, with a requisition for the delivery of A. B. to the agent appointed to receive him. A warrant is, of course, issued to "any constable of the state of New York," to arrest A. B. For what purpose?---to bring him before a magistrate where his identity may be established?---no, but to deliver him up to the foreign agent. Hence the constable may pick up the first likely negro he finds in the street, and ship him to the south; and should it be found, on his arrival on the plantation, that the wrong man has come, it will also probably be found that the mistake is of no consequence to the planter. A few years since, the governor of New York signed a warrant for the apprehension of seventeen Virginia negroes, as fugitives from justice.* Under this warrant, a man who had lived in the neighbourhood for three years, and had a wife and children, and who claimed to be free, was seized, on a Sunday evening, in the public highway, in West Chester county, N. Y., and without being permitted to take leave of his family, was instantly handcuffed, thrown into a carriage, and hurried to New York, and the next morning was on his voyage to Virginia.

Free coloured men are converted into slaves not only by law, but also contrary to law. It is, of course, difficult to estimate the extent to which illegal kidnapping is carried, since a large number of cases must escape detection. In a work published by Judge Stroud, of Philadelphia, in 1827, he states, that it had been *ascertained* that more than *thirty* free coloured persons, mostly children, had been kidnapped in that city within the last two years.†

10. SUBJECTION TO INSULT AND OUTRAGE.

The feeling of the community towards these people, and the contempt

* There is no evidence that he knew they were negroes; or that he acted otherwise than in perfect good faith. The alleged crime was stealing a boat. The *real* crime, it is said, was stealing themselves and escaping in a boat. The most horrible abuses of these warrants can only be prevented by requiring proof of identity before delivery.

† Stroud's Sketch of the Slave Laws, p. 94.

with which they are treated, are indicated by the following notice, lately published by the proprietors of a menagerie, in New York, "The proprietors wish it to be understood, that people of colour are not permitted to enter, *except when in attendance upon children and families.*" For two shillings, any white scavenger would be freely admitted, and so would negroes, provided they came in a capacity that marked their dependence —their presence is offensive *only* when they come as independent spectators, gratifying a laudable curiosity.

Even death, the great leveller, is not permitted to obliterate, among Christians, the distinction of caste, or to rescue the lifeless form of the coloured man from the insults of his white brethren. In the porch of a Presbyterian church, in Philadelphia, in 1837, was suspended a card, containing the form of a deed, to be given to purchasers of lots in a certain burial-ground, and to enhance the value of the property, and to entice buyers, the following clause was inserted, "No person of *colour*, nor any one who has been the subject of *execution*, shall be interred in said lot."

Our coloured fellow-citizens, like others, are occasionally called to pass from one place to another; and in doing so are compelled to submit to innumerable hardships and indignities. They are frequently denied seats in our stage-coaches; and although admitted upon the *decks* of our steamboats, are almost universally excluded from the cabins. Even women have been forced, in cold weather, to pass the night upon deck, and in one instance the wife of a coloured clergyman lost her life in consequence of such an exposure.

The contempt poured upon these people by our laws, our churches, our seminaries, and our professions, naturally invokes upon their heads the fierce wrath of vulgar malignity. In order to exhibit the actual condition of this portion of our population, we will here insert some *samples* of the outrages to which they are subjected, taken from the ordinary public journals.

In an account of the New York riots of 1834, the 'Commercial Advertiser' says—"About twenty poor African (native American) families have had their all destroyed, and have neither bed, clothing, nor food remaining. Their houses are completely eviscerated, their furniture a wreck, and the ruined and disconsolate tenants of the devoted houses are reduced to the necessity of applying to the corporation for bread."

The example set in New York was zealously followed in Philadelphia. "Some arrangement, it appears, existed between the mob and the white inhabitants, as the dwelling-houses of the latter, contiguous to the residences of the blacks, were illuminated and left undisturbed, while the huts of the negroes were singled out with unerring certainty. The fur-

niture found in these houses was generally broken up and destroyed—beds ripped open and their contents scattered in the streets. . . . . The number of houses assailed was not less than twenty. In one house there was a *corpse, which was thrown from the coffin, and in another a dead infant was taken out of the bed, and cast on the floor, the mother being at the same time barbarously treated.*"—Philadelphia Gazette.

"No case is reported of an attack having been *invited or provoked* by the residents of the dwellings assailed or destroyed. The extent of the depredations committed on the *three* evenings of riot and outrage can only be judged of, by the number of houses damaged or destroyed. So far as ascertained, this amounts to FORTY-FIVE. One of the houses assaulted was occupied by an unfortunate cripple—who, unable to fly from the fury of the mob, was so beaten by some of the ruffians, that he has since died in consequence of the bruises and wounds inflicted. . . For the last two days the Jersey steam-boats have been loaded with numbers of the coloured population, who, fearful their lives were not safe in this, determined to seek refuge in another state. On the Jersey side, tents were erected, and the negroes have taken up a temporary residence, until a prospect shall be offered for their perpetual location in some place of security and liberty."---*National Gazette.*

The facts we have now exhibited, abundantly prove the extreme cruelty and sinfulness of that prejudice against colour which we are impiously told is an ORDINATION OF PROVIDENCE. Colonizationists, assuming the prejudice to be natural and invincible, propose to remove its victims beyond its influence. Abolitionists, on the contrary, remembering with the Psalmist, that "It is HE that hath made us, and not we ourselves," believe that the benevolent Father of us all, requires us to treat with justice and kindness every portion of the human family, notwithstanding any particular organization he has been pleased to impress upon them. Instead, therefore, of gratifying and fostering this prejudice, by continually banishing from our country those against whom it is directed, abolitionists are anxious to destroy the prejudice itself; feeling, to use the language of another, that "It is time to recognize in the humblest portions of society, partakers of our nature with all its high prerogatives and awful destinies—time to remember that our distinctions are *exterior* and evanescent,---our resemblance real and permanent—that all is transient but what is moral and spiritual—that the only graces we can carry with us into another world, are graces of divine implantation, and that amid the rude incrustations of poverty and ignorance there lurks an imperishable jewel—a SOUL, susceptible of the highest spiritual beauty, destined, perhaps, to adorn the celestial abodes, and to shine for ever in the mediatorial diadem of the Son of God—*Take heed that ye despise not one of these little ones.*"

The following Resolutions were passed unanimously at the Anti-Slavery Convention, held in London in June, 1840.

Prejudice against Colour.

"1. That the practice of excluding people of colour from places of worship, or of allotting to them separate seats therein, tends to perpetuate the unchristian and unfounded prejudices against the COLOURED PEOPLE.

"2. That any distinction in the treatment of them, whether in schools, colleges, houses of public worship, or in any other respect on account of colour, is opposed to the benign spirit of Christianity.

"3. That abolitionists, and all who assume the name of friends of the coloured race, act inconsistently with their profession, unless they use all their influence to put an end to such unchristian practices.

"4. That this Convention most earnestly entreats all Christian professors, all true abolitionists, immediately to give up all those unrighteous distinctions, which have their origin in the prejudice against colour, and that, in their social intercourse as citizens and as Christians, they treat the coloured man as an equal and a brother."

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